APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,823	08/20/2003	Rudiger Theis	EP0201365	1822

30008   7590   03/21/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
03/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 January 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some *   c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January

11, 2008 has been entered.

2.   Claims 1-14 have been examined.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding claim 1, line 7, where Applicant states, "causing the device,...", it is not clear

which device Applicant is referring to, the program-controlled device or the Web-

accessing device. Previously in claim 1, Applicant mentions two different devices; The

first device is the program-controlled device that is to get upgraded and the second

device is the Web-accessing device that is separate from the program-controlled

device.

The rejection of the base claims are incorporated into their dependent claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-4,7-10, and 12-13 are rejected under 35 U.S.C. 102(e) as being

anticipated by Pratt. (U.S. Pat 7,043,537)

Independent claims

With respect to claims 1 and 8, Pratt discloses a method for performing an update of a

program in a program-controlled device,(Col 2:15-25, "...to update available

features,...or version information by modifying only...") wherein the method comprises

the steps of: causing the device, initiated by the external Web browser(e.g. See Fig. 2
,element 110 Remote Client), to request update information for an update of a program
of the program-controlled device from the Web server;(Col 2:15-25, "...thereby enabling
the programmer to update available features...", Col 3:20-36, '...to download a softare
...the most up-to-date network device management software...to update or improve the
available functions...") downloading the requested update information from the Web
server(e.g. see Fig. 2, element 185 Web server) to the external Web browser,(e.g. See
Fig. 2 element 130 Web engine) wherein the requested update information is being
passed through the program-controlled device to the external Web browser; (Col 2:56-
67, "...The remote client requests a function...locates and forwards the corresponding
downloadable unit...")

caching the requested update information by a program code executed in the external
Web browser; (Col 2:15-30, "...remote client may store the downloadable unit(e.g. in
cache) for continued management...")

and programming the requested update information into the program-controlled device
by the program code executed in the external web browser.(Col 4:30-47, "...The
software program compiler compiles a software program into machine code...")

With respect to claim 12, Pratt discloses a program code executable in a Web browser
and configured to cache update information received via a program-controlled device
(Col 2:15-30, "...remote client may store the downloadable unit(e.g. in cache) for
continued management...")

and to program the update information that has been cached into the program-controlled device. .(Col 4:30-47, "…The software program compiler compiles a software program into machine code…")

Dependent claims

With respect to claims 2,10, and 13, the rejection of claims 1, 8 and 12 are incorporated respectively and further, Pratt discloses that the program code executable in the external Web browser is a Java applet. (Col 2:35-45, "…in a Java environment, an applet will be used to manage the network device…")

With respect to claim 3, the rejection of claim 1 is incorporated and further, Pratt discloses further comprising the steps of storing the program code executable in the external Web browser in the program-controlled device and making available the program code to the Web browser by the program-controlled device for a duration of an update that is performed. (Col 2:15-30, "…remote client may store the downloadable unit(e.g. in cache) for continued management…")

With respect to claim 4, the rejection of claim 1 is incorporated and further, Pratt discloses further comprising the steps of storing the program code executable in the external Web browser in a Web server and making available the program code to the external Web browser by the program-controlled device. (Col 7:40-50, "…then sends

the located downloadable unit to the web server, which transmits it to the remote

client...")

With respect to claim 7, the rejection of claim 1 is incorporated and further, Pratt

discloses that, in the step of programming the update information into the program-

controlled device, a user input the scope of the program code executable in the external

Web browser is enabled. (Col 5:45-58, "...the user interface...to enable communication

via the output device and the input device...")

With respect to claim 9, the rejection of claim 8 is incorporated and further, Pratt

discloses that the stored program code executable in the external Web browser is made

available to the connected external Web browser for carrying out an update of the at

least one program. (Col 3:20-37, "...to update or improve the available functions, a

revised downloadable unit...")

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 5-6,11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Pratt(U.S. Pat 7,043,537) in view of Craig. (U.S. Pat 6,266,809)

Regarding claim 5,

the rejection of claim 1 is incorporated and further,

Pratt does not disclose that the trivial file transfer protocol (TFTP) is employed in the

step of programming.

Craig discloses that the trivial file transfer protocol (TFTP) is employed in the step of

programming. (Col 2:30-35, "...Trivial File Transfer Protocol...")in an analogous system

for the purpose of providing a fast, easy, secure and error-free updating of network

device programs.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the invention to program to install the update on the program-controlled device using

the trivial file transfer protocol.

The modification would have been obvious because one of ordinary skill in the art would

have been motivated to provide a fast, easy, secure and error-free updating of network

device programs.

Regarding claims 6 and 11,

The rejection of claim 1 and 8 are incorporated respectively and further,

Pratt does not disclose that further comprising the steps of checking with at least one of the program code executable in the external Web browser and the program-controlled device at least one of completeness or error-freeness of the update information before the step of programming the update information into the program-controlled device and, when an error is detected, carrying out error elimination with at least one of the program code executable in the external Web browser and the program-controlled device.

Craig discloses the steps of checking with at least one of the program code executable in the external Web browser and the program-controlled device at least one of completeness or error-freeness of the update information before the step of programming the update information into the program-controlled device and, when an error is detected, carrying out error elimination with at least one of the program code executable in the external Web browser and the program-controlled device. (Col 6:50-62, "...If the update was not successful...") in an analogous system for the purpose of providing a fast, easy, secure and error-free updating of network device programs.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the invention to program to check the update for errors, and to perform error

elimination on any discovered errors prior to installing the update on the program-

controlled device.

The modification would have been obvious because one of ordinary skill in the art would

have been motivated to provide a fast, easy, secure and error-free updating of network

device programs.

Regarding claim 14,

The rejection of claim 12 is incorporated and further,

Pratt does not disclose configured to check the update information received via the

program-controlled device for at least one of completeness and error-freeness and

configured to perform error elimination, when an error has been found, before

programming the update information into the program-controlled device.

Craig discloses configured to check the update information received via the program-

controlled device for at least one of completeness and error-freeness and configured to

perform error elimination, when an error has been found, before programming the

update information into the program-controlled device. (Col 6:50-62, "…If the update

was not successful...") in an analogous system for the purpose of providing a fast, easy,

secure and error-free updating of network device programs.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

of the invention to program to check the update for errors, and to perform error

elimination on any discovered errors prior to installing the update on the program-

controlled device.

The modification would have been obvious because one of ordinary skill in the art would

have been motivated to provide a fast, easy, secure and error-free updating of network

device programs.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-14 on January 11, 2008 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MARK P. FRANCIS whose telephone number is

(571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiners

supervisor, Lewis Bullock can be reached on (571)272-3759. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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